

CHAPTER 15

PUBLIC RECORDS

INTRODUCTION

This chapter provides information regarding the public's access to public records and meeting of the governing bodies of public agencies. This chapter also provides information on developing forms and on records management.

OPEN DOOR AND PUBLIC ACCESS

Records, files, and information obtained or maintained by a state agency is considered open to the public unless a statute specifies otherwise. Indiana Code 5-14-3-4 defines records that are not open to the public. Meetings of the governing bodies of public agencies must always be open for the purpose of permitting members of the public to observe and record them. It is recommended that agencies review Indiana Code 5-14-1.5 relating to the open door law and IC 5-14-3 regarding public access. Agencies may also want to review the Attorney General's web site on public access and the open door law.
(www.state.in.us/hoosieradvocate/html/public/open.html)

Any person may inspect and copy the public records of any public agency during the regular business hours of the agency. A request for inspection or copying must identify with reasonable particularity the record being requested; and be, at the discretion of the agency, in writing on or in a form provided by the agency. No request may be denied because the person making the request refuses to state the purpose of the request, unless such condition is required by another applicable statute. For copies of paper documents at the state level, the Indiana Department of Administration may establish a uniform copying fee for agencies under the executive branch. The state judicial and legislative branches set their own fees.

Except as provided in IC 5-14-1.5-6.1, all meetings of a governing body of public agencies must be open at all times for the purpose of permitting members of the public to observe and record them. A governing body that utilizes an agenda must post a copy of the agenda at the entrance to the location of the meeting prior to the meeting. A memoranda (or minutes) of the meeting must be kept. The memoranda must include the following:

- 1) The date, time and place of the meeting.
- 2) The members of the governing body recorded as either present or absent.
- 3) The general substance of all matters proposed, discussed, or decided.
- 4) A record of all votes taken, by individual members if there is a roll call.
- 5) Any additional information required under IC 5-1.5-2-2.5 or IC 20-12-63-7.
(These two statutes apply only to the IN Bond Bank and IN Education Facilities Authority, consecutively.)

The memoranda are to be available within a reasonable period of time after the meeting for the purpose of informing the public. They are to be open for public inspection and copying.

COMMISSION ON PUBLIC RECORDS

Records Management and Forms Management are two of the important lead services provided by the Indiana Commission on Public Records (ICPR) to assist both state agencies and other government entities in managing the life cycle of their public records. ICPR's functional divisions are:

Records Management	State Archives
Forms Management	Conservation Lab
Forms Distribution	Government Records
State Records Center	Automation and Innovation Lab (GRAIL)
Micrographics	

ICPR's overall mission is to assist state and local governments in the efficient management of public records, including design, use, storage, and permanent preservation. The Oversight Committee on Public Records (OCPR) functions as ICPR's policy-making body.

Coordinators and Handbooks

According to Indiana Code 5-15-5.1-10(7), each agency shall designate an agency information coordinator, who is to assist the Commission on Public Records in the content requirements of the form design process and in the development of the agency's records retention schedules.

So your agency should have a designated information coordinator for forms and records; or it may have separated the duties by designating one person as a forms coordinator and another as a records coordinator.

Your agency can update the coordinator position(s) at any time by completing a State Form 42035 (Notice of Change of Agency Coordinator) and submitting it to ICPR.

ICPR conducts periodic training for the coordinators. A revised Records Management Handbook was issued to coordinators in 1991 and a revised Forms Management Handbook was issued in 1993.

Definitions (From IC 5-15-5.1-1)

"AGENCY" means any state office, department, division, board, bureau, commission, authority, or other separate unit of state government established by the constitution, law, or by executive or legislative order.

"FORM" means every piece of paper, transparent plate, or film containing information, printed, generated, or reproduced by whatever means, with blank spaces left for the entry of additional information used in any transaction involving the state.

"RECORD" means all documentation of the information, communicative or decision making processes of state government, its agencies and subdivisions made or received by any agency of state government or its employees in connection with the transaction of public business or government functions, which is created, received, retained, maintained, or filed by that agency or its successors as evidence of its activities or because of the information value of the data in the documentation, which is generated on:

- (1) paper or paper substitutes,
- (2) photographic or chemically based media,
- (3) magnetic or machine readable media, or
- (4) any other materials, regardless of form or characteristics.

"RECORDS SERIES" means documents or records that are filed in a unified arrangement, and having similar physical characteristics or relating to a similar function or activity.

"RETENTION SCHEDULE" means a set of instructions prescribing how long, where, and in what form a record series shall be kept.

NOTE: A "form" is often the medium by which information is gathered, processed, or documented. Most forms either constitute a "record" or are part of a "record".

Records Management

Records Retention and Disposition Schedules are recorded on State Form 5. There are two types of schedules. One is the "Agency Records Retention Schedule" which is unique to the needs of that agency. The other is the "General Retention Schedule" whose generic titles and retention periods are pre-approved and available for use by all agencies as needed.

Documents should be retained in accordance with a retention schedule approved by the Oversight Committee on Public Records. Generally, basic accounting records cannot be transferred to the Records Center until issuance of the applicable state audit report and satisfaction of any unsettled charges.

Your designated records coordinator should have a current copy of your agency's Records Retention Schedule. If not, the coordinator can obtain a copy by contacting a records analyst in ICPR's Records Management Division.

Approval of a new retention schedule or an amendment or deletion to an existing schedule must undergo a review process and then be submitted for approval to the Oversight Committee on Public Records. ICPR's records analysts will assist your coordinator in drafting the retention language and seeing the new schedule, amendment, or deletion through the process.

Some key considerations in drafting retention language are how long to retain the record series; where to maintain it; in what form to maintain it; and what impact does it have (legal, fiscal, historical, etc.?)

Public officials or agencies may not dispose of government records except under an approved Records Retention Schedule or with the written consent of ICPR via the Oversight Committee on Public Records.

To assist the agencies in the proper disposal of government records, ICPR offers the services of the State Records Center for temporary storage; Micrographics for microfilming; State Archives for permanent/historical storage; and the Conservation Lab for restoration and preservation of records.

Consult with your coordinator for details on utilizing these services.

Forms Management

Forms Management is the program maintained by ICPR to provide continuity of forms design procedures from the forms' origin up to its completion as a record by determining the form's size, type style, format, construction, and paper type and quality. This includes determining how the form will be used, completed, and distributed.

All forms devised and used by state agencies must be approved by ICPR and have a state form number assigned by ICPR.

APPROVAL OF NEW OR REVISED FORMS

The State Board of Accounts is charged by statute with the responsibility of prescribing and installing a system of accounting and reporting which shall be uniform for every public office and every public account of the same class [IC 5-11-1-2]. The State Board of Accounts must prescribe or approve any form that is a part of an agency's accounting system or relates to money being collected by an agency.

A prescribed form is one which is put into general use for all offices of the same class whereas an approved form is for special use in a particular office.

If an agency needs to implement a new form requiring State Board of Accounts approval or needs to revise an existing prescribed/approved form, a letter and three copies of the proposed form must be submitted to the State Board of Accounts for approval. Along with the form send a description of the use of the form, as well as how the form will be processed and the related internal controls. If the form is a revision, a copy of the old form should be included. In addition, all forms and reports that the Auditor of State utilizes for processing are subject to approval by that office under IC 4-7-1-4.1. This approval is to be obtained first and a copy included with the other documentation sent to the State Board of Accounts. No form should be printed and placed in use, other than a prescribed form, without prior State Board of Accounts approval. Officials and employees are required to use State Board of Accounts prescribed or approved forms in the manner prescribed or approved.

HOW TO ORDER A NEW OR REVISED FORM

Complete a "Request for Approval of New/Revised Form", State Form SF #36040. If a NEW form, attach a proposed version; if a REVISED form, attach a current sample with corrections noted.

Indicate by checking the appropriate box in "Part One" of the request form whether you wish Forms Management's designers to create/revise your form ("Forms Management"), or if you wish an outside vendor to create/revise your form ("Other"), or if you are submitting your own artwork ("Requesting Agency"). (Remember, Forms Management's design work is FREE).

Send the request form and the attached proposed version (new form), or a corrected sample (revised form), to Forms Management, 402 West Washington Street, Room W472, Indianapolis, IN 46204.

If you have chosen Forms Management's designers to create/revise your form, you can expect to receive the second copy of the request form signed by the designer working your form. Should the designer have any questions, he/she will either telephone or write to your forms coordinator.

If your agency is submitting the artwork, or if you have chosen an outside vendor to create/revise your form, you can expect to receive the second copy of the request form signed by the analyst working your form. The analyst will telephone or write to your forms coordinator if he/she has any questions.

When applicable, obtain approvals from the Auditor of State and the State Board of Accounts.

Artwork to be Supplied by Forms Management's Design Department

(1) Once the initial design/revision is completed, the designer will send your forms coordinator a "proof" of the form attached to an "Approval of State Form Layout by User Agency", SF #841. If the form meets all your agency's needs, you will sign the approval form and return the "proof" and the approval form to the designer. If the form must be altered or corrected, you will make the necessary changes on the proof and return it, and the approval form, to the designer. The designer will either send you an additional "proof" or not, depending on the box that you've checked on the approval form.

(2) If your agency wishes to have the form which was designed by Forms Management printed by Electronic Printing, Imaging and Copying (EPIC Center) or an outside vendor:

After approving the form in its "proof" stage, your agency will send a "Request for Printing", SF #43799, to the designer. The designer will forward it and all appropriate paperwork to EPIC Center.

The form will either be printed by EPIC Center or it will be sent to the Procurement Division for placement in the "Bid", "Quote" or "Contract" process.

The successful vendor will produce the form and deliver it to your agency.

(3) If your agency wishes to print the form which was designed by Forms Management "In-House", I.E., on your own printing press:

After approving the form in its "proof" stage, your agency will send the designer an "In-House Printing Request", or a "Job Ticket", or a "Printing Order for In-House Production" - or whatever your agency titles their job ticket - or an SF #43799, MINUS THE REQUISITION NUMBER (which indicates to us that this is a request for an "In-House" printing order).

The designer will generate the camera-ready artwork and its specifications. Your agency will be contacted and informed that the camera-ready artwork is ready to be picked up.

Artwork to be Supplied by the Requesting Agency or Outside Vendor

(1) If your agency wishes to have the form printed by EPIC Center or an outside vendor:

Your agency will send an SF #43799 to Forms Management.

After receiving it, the analyst will send the printing specifications, the form's "artwork", or "copy", and the "Request for Printing", SF #43799, to EPIC Center.

The terms "artwork" and "copy", can mean one of many things, for instance: a rough draft created by the agency, a sample with corrections noted, a computer print-out, an existing form which the agency wants the new form to resemble, and so forth.

The EPIC Center will either print the form, or it will be sent to the Procurement Division for placement in the "Bid", "Quote" or "Contract" process.

If printed by an outside vendor, the successful vendor will send a "proof" for the requesting agency's approval, (assuming that a "proof" has been requested), to Forms Management. An analyst will check the "proof" initially, and then forward it to the agency's forms coordinator. The usual procedure of approval or changes made to the "proof" will apply. After the agency has either approved the "proof", or made changes to it, it will be returned to Forms Management, where the actions will be noted in the form's folder by the analyst. The analyst will then return the "proof" to the vendor.

Once the vendor receives the agency's final approved "proof", the form will be produced exactly as indicated on the "proof" and delivered to the agency.

- (2) If your agency wishes to print the form "In-House", I.E., on your own printing press:

Your agency will send Forms Management an "In-House Printing Requisition", or "Job Ticket", or "Printing Order" - whatever your agency uses to order forms printed on your own presses - or a "Request for Printing", SF #43799, MINUS THE REQUISITION NUMBER (which indicates to us that this is a request for an "In-House" printing order).

After the analyst handling your form receives the request, the analyst will send the paperwork appropriate for the form's production to your agency.

HOW TO ORDER A "REPRINT" OF A FORM

(NOTE: A "reprint" is loosely defined as, "Requesting more of the existing form." The true "reprint" is: (a) the form currently used by the agency; (b) one that has absolutely no variation from the most recent version housed in the ICPR's files.)

If your agency wishes to have the "reprint" produced by EPIC Center or an outside vendor:

- (1) You will attach two samples of the "reprint" to a "Request for Printing", SF #43799, and send to Forms Management.
- (2) An analyst will write specifications for printing, and forward the appropriate paperwork to EPIC Center.
- (3) EPIC Center will either produce the form themselves, or send it to the Procurement Division for placement in the "Bid", "Quote" or "Contract" process.
- (4) If a vendor produces the form, your agency will see a "proof" only if it has been requested. Otherwise, the vendor will simply print and deliver the form.

If your agency wishes to have the "reprint" produced "In-House", I.E., on your agency's own press:

- (1) You will attach two samples of the "reprint" to an "In-House" printing request, "Job Order", or SF #43799 - MINUS THE REQUISITION NUMBER - (the lack of requisition number indicates to us that this is a request for an "In-House" printing job), and send to Forms Management.
- (2) After analyzing the request, the analyst will forward the appropriate paperwork to your agency for "In-House" printing.

GUIDELINES FOR ELECTRONIC DOCUMENTS, FORMS AND RECORDS

This broad policy statement has been written as an aid for those agencies that are in the process of identifying and segregating their electronic documents from their electronic forms and records. For purposes of clarification, some definitions follow:

FORM - An electronic form is a standard constant data entry file, stored within a computer system, protected from unauthorized access. The form allows for the entry and editing of variable data. The users may not alter the form. Only the authorized personnel may alter the form. The format allows users to display the constant and variable data together on a CRT. (An electronic form without any software access protection is called a data entry screen.)

CONSTANT DATA - Unchanging data that identifies the variable data or controls the appearance of the variable data. Sometimes constant data is known as field identifiers or labels.

COPY OF AN ELECTRONIC FORM - A duplication of the officially approved state form, which is identical to the state form in all respects with the exception of the medium. The copy contains constant data only, and is printed on paper.

COPY OF AN ELECTRONIC RECORD - A duplication of an officially designated state record, which is identical in all respects with the state record with the exception of the medium. It contains both constant and variable data, and is printed on paper. Under certain legal conditions it is called the original of the record.

DATA REPORT - A document or file which is produced from an automated environment, and which is created for the expressed purpose of data manipulation. If produced on an ad hoc basis, it is called a document and since there is no document control in state government, does not require a state form number. However, if it is produced in a constant, standardized format it is a form, and requires official approval and a state form number.

FORM STORAGE MEDIUM - The environment in and on which data pertaining to official state activities is stored, i.e., paper, floppy disk, hard disk, magnetic tape, optical disk, microfilm, microfiche or transparent film which is required to be included on records retention schedule.

NOTE: For purposes of records retention, any and all media upon which the information is stored must be placed on an O CPR approved retention schedule through the Records Management Division of the ICPR.

ICPR'S FORMS MANAGEMENT DIVISIONS PROCEDURES TO BE FOLLOWED WHEN APPLYING FOR ANALYSIS/APPROVAL OF AN ELECTRONIC FORM

A "Request for Approval of New/Revised Form", SF #36040, must be completed and sent to the Forms Management Division of the Indiana Commission on Public Records, 402 West Washington Street, #W472, Indianapolis, Indiana 46204-2215, with two samples of a copy of the electronic form.

A written statement must be included with the "Request for Approval. . .", SF #36040, that stipulates:

- (1) the electronic form is to be stored in the computer's memory exactly as presented to, and approved by, ICPR's Forms Management Division;
- (2) security measures are in place to prevent unauthorized tampering with the format of the form;
- (3) control of revisions to, or creations of, electronic forms shall be handled through your agency's Forms Coordinator.

A statement of the quantity of forms/records to be produced must be sent to the ICPR's Forms Management Division on a quarterly basis.

OTHER REQUIREMENTS:

1. If the approval of the State Board of Accounts is required the usual routine of obtaining an original letter of approval from the SBA applies. The SBA's original letter of approval must be forwarded to ICPR's Forms Management Division.

2. Creation or changes of electronic forms that require the approval of the Attorney General's Office must follow the usual routine. A copy of the AG's letter of approval must be sent to ICPR's Forms Management Division.
3. Should your agency need to use a form which is controlled or owned by another agency, your agency's Forms Coordinator must contact the owning or controlling agency's Forms Coordinator, informing them of your agency's proposed actions. After the original letter of permission from the controlling agency is forwarded to ICPR's Forms Management Division, your agency may begin using their form.
4. Should your agency wish to revise a form which is controlled by another agency, your agency's Forms Coordinator must contact the owning or controlling agency's Forms Coordinator and inform them of your agency's proposed revision.
 - (a) If the owning or controlling agency approves the revisions to their form, written permission or approval of the revisions to their form must be issued to your agency. Your agency must forward the original letter of permission to ICPR's Forms Management Division.
 - (b) If the owning or controlling agency does not approve the revisions to their form, a new form will be created for your agency's use. Your agency will be identified as the owning or controlling agency of the new electronic form.

The procedures described above are to be followed when requesting analysis and approval for an electronic form.

Revisions for your own electronic forms are to be handled in the manner described above.

GENERAL RETENTION SCHEDULE

The General Retention Schedule can be found through Indiana Commission on Public Record's home page or directly at <http://www.state.in.us/icpr/webfile/recman/grsindex.html>.